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Attorneys for Defendant DGG FINANCIAL CORPORATION dba DREXEL LENDING GROUP (erroneously sued as Drexel Lending Group, a California corporation)

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

MARIA R. METCALF, ) CASE NO.: 3:08-cv-00731-W-POR

Plaintiff, )

vs. )

DREXEL LENDING GROUP, a )  
 California corporation; OLD )  
 REPUBLIC TITLE COMPANY, a )  
 California corporation; AURORA )  
 LOAN SERVICES, LLC; a California )  
 limited liability company; )  
 MORTGAGE ELECTRONIC )  
 REGISTRATION SYSTEMS, INC., a )  
 Delaware corporation; and ROBERT )  
 E. WEISS INCORPORATED, a )  
 California corporation, )

**DEFENDANT DGG FINANCIAL  
 CORPORATION DBA DREXEL  
 LENDING GROUP'S REQUEST TO  
 CONTINUE EARLY NEUTRAL  
 EVALUATION CONFERENCE**

Date: July 22, 2008  
 Time: 10:00 a.m.  
 Location: Chambers  
 Judge: Hon. Louisa S. Porter

Defendants. )

Defendant DGG Financial Corporation dba Drexel Lending Group ("Drexel") filed a motion to dismiss in response to Plaintiff Maria R. Metcalf's ("Metcalf") complaint, the hearing of which was scheduled for June 23, 2008. However, on June 23, 2008, Metcalf filed an ex parte application for, among other things, a continuance of the hearing on Defendants' motions to dismiss.

On July 3, 2008, the Honorable Thomas J. Whelan granted Metcalf's request and continued Drexel's motion to dismiss to August 1, 2008. Though Drexel's motion is scheduled for August 1, 2008, no oral argument is permitted pursuant to *United States District Court, Southern District of California Local Rule 7.1(d)(1)*. As such, the Court may or may not rule on Drexel's motion on August 1, 2008.


*United States District Court, Southern District of California Local Rule 16.1(c)(1)* provides:

"Within forty-five (45) days of the filing of an answer, counsel and the parties shall appear before the assigned judicial officer supervising discovery for an early neutral evaluation conference; this appearance shall be made with authority to discuss and enter into settlement."

Accordingly, this Court scheduled an early neutral evaluation conference for July 22, 2008. In light of the continued hearing date on Drexel's motion to dismiss, Drexel respectfully requests continuance of the early neutral evaluation conference. Good cause<sup>1</sup> exists to grant Drexel's request because the case will not be at issue on July 22<sup>nd</sup> and judicial resources would be preserved by continuing the hearing to a time in which the parties can meaningfully discuss resolution of the case.

DATED: July 14, 2008

THE RYAN FIRM  
A Professional Corporation

By:   
TIMOTHY M. RYAN  
KIMBERLY L. ROIG  
Attorneys for Defendant DGG  
FINANCIAL CORPORATION dba  
DREXEL LENDING GROUP

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<sup>1</sup> "Attendance may be excused only for good cause shown and by permission of the court. Sanctions may be appropriate for an unexcused failure to attend." (*United States District Court, Southern District of California Local Rule 16.1(c)(1)(c)*.)

**PROOF OF SERVICE**

I am over the age of eighteen years and not a party to the within action. I am employed by The Ryan Firm, A Professional Corporation, whose business address is: 1100 North Tustin Avenue, Suite 200, Anaheim, California 92807.

On July 14, 2008, I served the within document(s) described as: **DEFENDANT DGG FINANCIAL CORPORATION DBA DREXEL LENDING GROUP'S REQUEST TO CONTINUE EARLY NEUTRAL EVALUATION CONFERENCE** on the interested parties in this action:

☒ by placing ☐ the original ☒ true copy(ies) thereof enclosed in sealed envelope(s)  
☒ addressed as follows: ☐ addressed as stated on the attached mailing list.

Name & Address	Telephone/Fax/E-mail	Role
Maria R. Metcalf 954 Surrey Drive Chula Vista, CA 91902		Plaintiff pro se
Thomas N. Abbott, Esq. Pite Duncan, LLP P.O. Box 12289 El Cajon, CA 92022-2289	Tel.: (213)458-2586 <a href="mailto:tabbott@piteduncan.com">tabbott@piteduncan.com</a>	Counsel for Defendants AURORA LOAN SERVICES, LLC and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
Cris A. Klingerman, Esq. Robert E. Weiss, Inc. 920 S. Village Oaks Drive Covina, CA 91724	Tel.: (626) 967-4302 Fax: (626) 967-9216 <a href="mailto:cklingerman@rewlaw.com">cklingerman@rewlaw.com</a>	Counsel for Defendant ROBERT E. WEISS, INC.
Edward A. Treder, Esq. L/O Robert E Weiss Inc. 920 S. Village Oaks Drive Covina, CA 91722-3605	Tel.: (626) 967-4302 Fax: (626) 339-7103 <a href="mailto:etreder@rewlaw.com">etreder@rewlaw.com</a>	Co-counsel for Defendant ROBERT E. WEISS, INC.

☒ **BY MAIL** (C.C.P. § 1013(a))—I deposited such envelope(s) for processing in the mailroom in our offices. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Anaheim, California, in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 14, 2008, at Anaheim, California.

  
 TYLER J. KEMP